

NO. 24701

IN THE SUPREME COURT OF THE STATE OF HAWAII

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ROBIN M.S. LEE, Petitioner-Appellant,

vs.

STATE OF HAWAII, Respondent-Appellee.

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APPEAL FROM THE FIRST CIRCUIT COURT  
(S.P.P. NO. 01-1-0042)  
(CR. NOS. 97-0950, 97-3058 & 97-3043)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, Ramil, and Acoba, JJ.)

Upon review of the record, it appears we lack appellate jurisdiction to hear Petitioner-Appellant Robin Lee's (Appellant Lee) appeal. The circuit court has neither announced nor entered an order disposing of Appellant Lee's petition for post-conviction relief pursuant to Rule 40 of the Hawai'i Rules of Penal Procedure (HRPP). Pursuant to Rule 4(b) of the Hawai'i Rules of Appellate Procedure, an appeal from an order disposing of a petition for post-conviction relief must either be filed within thirty days after the entry of the order disposing of the HRPP Rule 40 petition or, in the alternative, after the announcement but before the entry of the order. Grattafiori v. State, 79 Hawai'i 10, 13, 897 P.2d 937, 940 (1995). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, March 7, 2002.